

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

**IN RE: JOHNSON & JOHNSON
TALCUM POWDER PRODUCTS
MARKETING, SALES PRACTICES,
AND PRODUCTS LIABILITY
LITIGATION**

DEBRA MILLER,

Plaintiff

vs.

JOHNSON & JOHNSON, et al,

Defendant.

**MDL No. 2738 (FLW) (LHG)
JUDGE FREDA L. WOLFSON
MAG. JUDGE LOUIS H. GOODMAN**

Civil A. No. 3:20-cv-03306

**SUGGESTION OF DEATH AND MOTION
FOR SUBSTITUTION OF PARTY-
EXECUTOR OF DECEASED PLAINTIFF,
DEBRA MILLER**

**SUGGESTION OF DEATH OF DEBRA MILLER
AND MOTION TO SUBSTITUTE DEANN MILLER GRANT**

Pursuant to Federal Rule of Civil Procedure 25(a)(1), Plaintiff hereby files this Suggestion of Death in the above captioned matter. Plaintiff Debra Miller died on April 9, 2020. Further, Plaintiff files this motion for leave to substitute her surviving sister, DeAnn Miller Grant, as proper Plaintiff pursuant to Federal Rule of Civil Procedure 25(a)(1).

1. On March, 26 2020, Plaintiff's counsel filed suit on behalf of Debra Miller against Johnson & Johnson in United States District Court for the District of New Jersey (MDL No. 2738) where it remains pending before this Court.
2. Debra Miller died on April 9, 2020.
3. Pursuant to Fed. R. Civ. P. 25(a)(1) if a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative.

4. Debra Miller's surviving sister, DeAnn Miller Grant, has made application for appointment as representative of her deceased sister's estate. On June 15th, 2020, the Clerk of the Probate County Court of Denton County, Texas issued Letters Testamentary to DeAnn Miller Grant, Executor, who then commenced acting and is still acting in her capacity as executor.

5. Fed. R. Civ. P. 25(a) provides that a party has a period of ninety (90) days after notice of a party's death is suggested upon the record to file a motion for substitution of parties.

6. Plaintiff has filed a Suggestion of Death within this motion.

FOR THESE REASONS, Plaintiff respectfully requests that DeAnn Miller Grant be substituted as the proper Plaintiff pursuant to Rule 25(a)(1).

Dated: July 15, 2020



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CERTIFICATE OF SERVICE

I, Daniel J. Thornburgh, hereby certify that on this day 15th day of July, 2020, I caused a true and correct copy of the foregoing Suggestion of Death and Motion for Substitution of Party Executor of Deceased Plaintiff, Debra Miller, to be served via CM/ECF system, which sent notification of such filing to all counsel of record who have appeared.

Dated: July 15, 2020



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